
By: **Delegates Niemann, Kelley, Parker, Ramirez, Ross, and Vaughn**
Introduced and read first time: February 14, 2003
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Driver's License - Revocation - Manslaughter by Vehicle**

3 FOR the purpose of requiring the clerk of the court to notify the Motor Vehicle
4 Administration if a person is convicted of manslaughter by vehicle involving a
5 motor vehicle; requiring the Administration to revoke the driver's license of a
6 person who is convicted of manslaughter by vehicle if the crime involves a motor
7 vehicle and the person was under the influence of alcohol, impaired by alcohol,
8 or impaired by any drug, a combination of one or more drugs and alcohol, or a
9 controlled dangerous substance at the time the crime was committed; providing
10 that the revocation of a driver's license for a person who is convicted of
11 manslaughter by vehicle under certain circumstances is not subject to a certain
12 modification; and generally relating to the revocation of driver's licenses.

13 BY repealing and reenacting, with amendments,
14 Article - Criminal Law
15 Section 2-209
16 Annotated Code of Maryland
17 (2002 Volume)

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 16-205(b) and 16-405
21 Annotated Code of Maryland
22 (2002 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Criminal Law**

26 2-209.

27 (a) In this section, "vehicle" includes a motor vehicle, streetcar, locomotive,
28 engine, and train.

1 (b) A person may not cause the death of another as a result of the person's
2 driving, operating, or controlling a vehicle or vessel in a grossly negligent manner.

3 (c) A violation of this section is manslaughter by vehicle or vessel.

4 (d) A person who violates this section is guilty of a felony and on conviction is
5 subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

6 (e) (1) An indictment or other charging document for manslaughter by
7 vehicle or vessel is sufficient if it substantially states:

8 "(name of defendant) on (date) in (county) killed (name of victim) in a grossly
9 negligent manner against the peace, government, and dignity of the State."

10 (2) An indictment or other charging document for manslaughter by
11 vehicle or vessel need not set forth the manner or means of death.

12 (F) THE CLERK OF THE COURT SHALL NOTIFY THE MOTOR VEHICLE
13 ADMINISTRATION OF EACH PERSON CONVICTED UNDER THIS SECTION OF A CRIME
14 INVOLVING A MOTOR VEHICLE.

15 **Article - Transportation**

16 16-205.

17 (b) The Administration:

18 (1) Shall revoke the license of any person who has been convicted[,
19 under]:

20 (I) UNDER Title 2, Subtitle 5 of the Criminal Law Article, of
21 homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol,
22 or impaired by any drug, any combination of drugs, a combination of one or more
23 drugs and alcohol, or a controlled dangerous substance; [and] OR

24 (II) UNDER § 2-209 OF THE CRIMINAL LAW ARTICLE OF
25 MANSLAUGHTER BY VEHICLE IF:

26 1. THE CRIME INVOLVES A MOTOR VEHICLE; AND

27 2. THE PERSON WAS UNDER THE INFLUENCE OF ALCOHOL,
28 IMPAIRED BY ALCOHOL, OR IMPAIRED BY ANY DRUG, A COMBINATION OF ONE OR
29 MORE DRUGS AND ALCOHOL, OR A CONTROLLED DANGEROUS SUBSTANCE AT THE
30 TIME THE CRIME WAS COMMITTED; AND

31 (2) May not issue a temporary license to drive for any person whose
32 license has been revoked under item (1) of this subsection during an administrative
33 appeal of the revocation.

1 16-405.

2 (a) Except as provided in §§ 16-205(e) and 16-205.1 of this title, AND
3 SUBSECTION (D) OF THIS SECTION, if the suspension or revocation of a license would
4 affect adversely the employment or opportunity for employment of a licensee, the
5 hearing officer may:

6 (1) Decline to order the suspension or revocation; or

7 (2) Cancel or modify the suspension or revocation.

8 (b) For purposes of § 16-404 of this subtitle, if a licensee is required to drive a
9 motor vehicle in the course of his regular employment:

10 (1) Suspension requires 16 points; and

11 (2) Revocation requires 19 points.

12 (c) The provisions of subsection (b) of this section do not apply to an individual
13 whose current accumulation of points includes points resulting from a conviction for a
14 violation of § 21-902 of this article.

15 (D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN INDIVIDUAL
16 WHOSE LICENSE IS REVOKED AS A RESULT OF A CONVICTION UNDER § 2-209 OF THE
17 CRIMINAL LAW ARTICLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2003.